

REMARKS

The Examiner has rejected Claims 26, 27 and 38 over Stevens. The Examiner has stated that the claims do not reflex that the mulch is not a seed or mulch mat. Nowhere is taught in the specification on how such a mat would be prepared. There is no backing or paper from which the mulch would be bound to. The Background of the Invention in paragraph specifically states the disadvantages of a mat. The binder claimed in the claims is to agglomerate the mulch into separate pieces in a lift and tumble agglomeration. The specification does not teach binding the mulch to a mat nor is there any reference to a mat in the specification.

For all of the above reasons, the above claims are not anticipated or obvious over the prior art.

The Examiner has rejected Claims 26, 27, 28, 29, 30, 38 an 50 as being obvious over Stevens in view of Lombard.

The Examiner states that it would be a mere modification to add one known dye for another known dye to obtain predictable results, to monitor the pH conditions of a paper based material as taught by Lombard. However, since Stevens does not indicate that knowledge of the conditions of the soil is something that is a concern, there is no reason that Stevens would substitute the dye of Lombard. There is no such teaching. For these reasons and the reasons stated above, the above claims are not obvious over the prior art.

The Examiner has stated that since Stevens teaches it is known to dye paper, it would be obvious to add a pH-indicating dye solution. However, this goes against the teaching of Stevens. At col. 6, lines 35-57 Stevens specifically teaches, "if desired, a coloring may be added to any mat to enhance the appearance of the mat in use. For example, the color may be green to match a lawn or grass area." If the dye would change colors according to Lombard, a green grass could now turn brown and now have the effect of enhancing the appearance as required by Stevens. Therefore, this is not merely a simple substitution, but adding the teachings of Lombard would go against the teachings of Stevens.

Further, Lombard states that where an animal urinates it would change color. According to this, if it were to rain, the green grass color could turn a different color and not be desirable anymore as taught by Stevens.

The Examiner has rejected Claim 52 as being obvious over Stevens in view of Lombard and further in view of Yamada. For the reasons stated above, Claim 52 is not obvious over the prior art.

The Examiner has rejected Claim 32 as being obvious over Stevens in view of Lombard and further in view of Skelty. For the reasons stated above for Stevens, Claim 32 is not obvious over the prior art.

The Examiner has rejected Claim 47 as being obvious over Thomas in view of Lombard.

For the reasons stated above, there would be no teaching to combine Thomas with Lombard. Lombard teaches a dye which is specifically used to change color when urine is present. Thomas teaches a mulch product. It would not be aesthetic for the Thomas product to change colors as taught by Lombard. Therefore, Claim 47 is not obvious over the prior art.

The Examiner has rejected Claim 50 as being obvious over Stevens in view of Swatzina. For the reasons stated above for Stevens, Claim 50 is not obvious over the prior art.

Applicant believes that the application is in condition for allowance.

Respectfully submitted,



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Date



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